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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/538,250	08/23/2005	Per Herbert Kristensen	P17993USPC	1874
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CHRISTIAN D. ABEL			PRICE, CRAIG JAMES	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/538,250	KRISTENSEN ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Craig Price	3753

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 23 August 2005.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-14 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-5 and 14 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | Paper No(s)/Mail Date: _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>9/22/2005</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application |
|  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Claim Objections*

1. Claim 9 is objected to because of the following informalities: It appears the limitations or reference numbers may have been improperly placed into the text and should read as; "(9)" should be - -(18) --, and "universal joint (18)" should be -- cone (19) --. The combination of the cone and the hinge joint are disclosed as making a universal joint, page 5, lines 3-5. Claim 12 is objected to for using terminology, which is not consistent with the specification, "pin" should be changed to -- cone--. Appropriate correction is required.
2. Claims 6 – 13 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend from any other multiple dependent claim. See MPEP § 608.01(n). Accordingly, the claims 6 – 13 have not been further treated on the merits.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

Claims 1-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 1 and 14, the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1- 5 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Eagles (4,315,533).

Eagles discloses a system to transfer fluid via at least one pipeline from one structure to another structure, "such as" a platform and a vessel respectively, in which one of the structures has an offloading arm (Q) which is movable in two planes perpendicular to each other and in which a part of the offloading arm remote from the one structure is engagable with the other structure, so to allow linear and rotational

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movements between the structures, characterised in that at least a part of the pipeline along the offloading arm, remote from the one structure is attached to the offloading arm by means of at least one support (AH) moveable lengthwise relative to the offloading arm, and this part of the pipeline includes at least a first pipeline section (AC) configured to compensate for movements between the two structures in the longitudinal direction of the offloading arm as shown in figure 1.

Regarding claim 2, Eagles discloses that the first pipeline section is configured with V-shaped rigid pipelines (13a) connected by swivel joints as shown in figure 1.

Regarding claim 3, Eagles discloses that the V-shaped rigid pipelines connected by swivel joints are inverted and running in a generally vertical plane, generally parallel to the offloading arm as shown in figure 1

Regarding claim 4, Eagles discloses that the first pipeline section (AC) is configured as a spiral with the axis of the spiral extending generally parallel with the longitudinal direction of the offloading arm, and where the spiral pipeline is capable of sustaining a spiral shape under the combined weight of the pipeline and fluid within the pipeline.

Regarding claim 5, Eagles discloses that the part of the pipeline also includes at least a second rigid pipeline section (the sections exist on both sides of Q) connected to supports moveable lengthwise relative to the offloading arm as shown in figure 1.

Regarding method claim 14, the device shown by Eagles will perform the methods as recited in claim 14, during normal operational use of the device, the method of making or using the device is inherent in using the apparatus.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Eagles '533 in view of Gill (4,393,906).

Eagles is silent to the pipeline having at least one joint arranged to compensate for thermal expansion and contraction relative to the offloading arm and/or either or both of the structures, whereby to allow optimum alignment of adjacent lengths of pipeline (it has been held that the functional "whereby" statement does not define any structure and accordingly cannot serve to distinguish).

Gill discloses the pipeline having at least one joint (27) arranged to compensate for thermal expansion and contraction relative to the offloading arm and/or either or both of the structures, whereby to allow optimum alignment of adjacent lengths of pipeline.

It would have been obvious to one of ordinary skill in the art at the time of

invention to employ the joint of Gill into the device of Eagles to have the pipeline having at least one joint arranged to compensate for thermal expansion and contraction relative to the offloading arm and/or either or both of the structures, whereby to allow optimum alignment of adjacent lengths of pipeline in order to accommodate axial movement of the inboard end of the boom (Col. 3, Lns. 9-12).

**IMPROPER MULTIPLE DEPENDENT CLAIMS**

6. Regarding the improper multiple dependent claims 6-13, Eagles '533 discloses the following;

Regarding claim 6, Eagles discloses that at least one of the supports is a wheel mounted trolley (AM) arranged for movement lengthwise relative to the offloading arm as shown in figures 1 and 2.

Regarding claim 7, Eagles discloses that the part of the pipeline remote from the one structure and engagable with the other structure is itself connected to or part of another support (AH) moveable lengthwise relative to the offloading arm as shown in figures 1 and 2.

Regarding claim 8, Eagles discloses that the pipeline is connected to the respective structures by joints (AD) capable of accommodating angular and rotational movement between the pipeline and the respective structure as shown in figure 1.

Regarding claim 9, Eagles discloses that the pipeline is connected to one of the respective structures by a hinge joint (L) and to the other of the respective structures by a universal joint (AV).

Regarding claim 11, Eagles discloses that there are a plurality of pipelines extending between the structures as shown in figures 1 and 2.

Regarding claim 12, Eagles discloses that a joint between the offloading arm and the other of the structures is formed as a pin (BT) downwardly dependant from the offloading arm, and rotatable about a vertical axis in a receptacle (BU, figure 2 shows the rotation potential for BT about the vertical axis in the receptacle) on the other of the structures.

Regarding claim 13, Eagles discloses that tension (through cable BX) is applied between the other structure and the part of the offloading arm engagable with that other structure, so to resist separation of the loading arm and the other structure as shown in figure 1.

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Le Devehat et al. (6,343,620), Dodge et al. (4,867,211), Knight (4,391,297), Carminati et al. (4,388,948), Tuson (4,206,782), Lochte et al. (4,121,616), Janssen et al. (3,746,060), Fye et al. (3,381,711), Sheiry (Re. 26,351), Bily (3,249,121), Garrett (3,199,553), Knight (3,176,730), Vossbrinck (2,720,217), Carman (1,680,831) and Steed (1,478,925) all disclose similar transfer systems.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Craig Price whose telephone number is (571) 272-2712. The examiner can normally be reached on 7AM - 5:30PM Mon-Thurs, Increased flex time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Huson can be reached on (571) 272-4887. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CP



1 November 2007



JOHN RIVELL  
PRIMARY EXAMINER  
ART UNIT 347